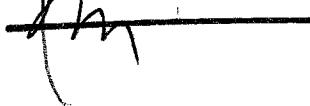


FILED
HARRISBURG PA

JUN 24 2003

MARY E. D'ANDREA, CLERK
Per 

SABA, ENDLER & ASSOCIATES, L.L.P.

BY: PATRICK T. O'CONNELL, ESQUIRE
IDENTIFICATION NO. 76539
106 WEST FRONT STREET
BERWICK, PA 18603
(570) 752-5915

ATTORNEY FOR DEFENDANT,
Dr. Peter J. Terhaar

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MANUEL RAMOS,	:	CIVIL NO. 1:-CV-00-1957
Plaintiff	:	(Judge Jones)
v.	:	(Magistrate Judge Smyser)
MARGARET HARDEN,	:	
DR. MCGLORI,	:	
DR. MAXIMO R. VELASCO, JR.,	:	
DR. ANTHONY BUSSANICH,	:	JURY TRIAL DEMANDED
and DR. PETER J. TERHAAR,	:	
Defendants	:	

**DEFENDANT, PETER J. TERHAAR, D.O.'S RESPONSE
IN OPPOSITION TO PLAINTIFF'S COUNSEL'S MOTION TO
WITHDRAW**

AND NOW comes Defendant, Peter J. Terhaar, D.O., and
hereby responds to Plaintiff's counsel's Motion to Withdraw as
follows:

1. Plaintiff, Manuel Ramos, filed an Amended Complaint on November 13, 2000.
2. On September 13, 2002, Attorney Ostrowski entered his appearance as counsel for Plaintiff, Manuel Ramos.
3. A case management conference was held on November 22, 2002 following which Magistrate Judge Smyser issued a Case Management Order setting a discovery deadline of June 16, 2003. The Case Management Order further mandated that Plaintiff shall submit expert reports to Defendants on or before June 30, 2003.
4. The deposition of Prisoner Ramos was scheduled for April 9, 2003 at the Lewisburg Penitentiary.
5. Counsel for Dr. Terhaar and for the Bureau of Prisons were present at the Lewisburg Penitentiary on April 9, 2003. Attorney Ostrowski failed to appear for the deposition, and consequently, the deposition did not go off and it had to be rescheduled.
6. The deposition of Prisoner Ramos was finally conducted at the Lewisburg Penitentiary on June 11, 2003.

7. On June 12, 2003, Attorney Ostrowski filed a Motion to Withdraw as Counsel.

8. In Attorney Ostrowski's Motion, he indicates that he is not financially able to incur the burden and expense of procuring an expert witness necessary to adequately represent Plaintiff and that is the reason for his withdrawal.

9. Attorney Ostrowski further stated that counsel for Defendants have indicated their willingness to extend discovery and other deadlines in order to allow Plaintiff to secure additional counsel.

10. Counsel for Dr. Terhaar respectfully represents that Attorney Ostrowski is mistaken and that Defendant, Dr. Terhaar is not willing to extend discovery and other deadlines in order to allow Prisoner Ramos to secure additional counsel.

11. This Motion was filed after the close of discovery and a full nine (9) months after Attorney Ostrowski originally entered his appearance for Prisoner Ramos.

12. To further extend the discovery deadlines, deadlines for the disclosure of expert reports and other deadlines would be extremely prejudicial to Dr. Terhaar.

13. This case has been pending for over three years.

14. Dr. Terhaar has to report this case as open and active every time he applies for staff privileges to operate at hospitals and every time he applies to insurance companies for approval to treat and operate on their insureds.

15. This case has been hanging over Dr. Terhaar's head like a dark cloud for over three years, and he would like closure.

16. Attorney Ostrowski should not be permitted to withdraw at this late juncture.

17. Permitting Attorney Ostrowski to withdraw at this late juncture would result in additional costs to the defense and in additional costs and resources to the Federal Judiciary.

CERTIFICATE OF SERVICE

I, Patrick T. O'Connell, Esquire, do hereby certify that on the 23rd day of June, 2003, I forwarded the of Defendant, Peter J. Terhaar, D.O.'s Response in Opposition to Plaintiff's Counsel's Motion to Withdraw first class mail, postage prepaid to the following:

Andrew J. Ostrowski, Esq.
Bailey, Stretton & Ostrowski
4311 North Sixth Street
Harrisburg, PA 17110

G. Michael Thiel, Esquire
Federal Building
235 N. Washington Ave, Suite 311
PO Box 309
Scranton, PA 18501

SABA, ENDLER & ASSOCIATES, L.L.P.

BY: Patrick T. O'Connell

PATRICK T. O'CONNELL, ESQ.
PA 76539
106 West Front Street
Berwick, PA 18603
(570) 752-5915